



**NWP** NACIMIENTO WATER PROJECT  
San Luis Obispo County Flood Control & Water Conservation District

# INFORMATION BOOKLET FOR PROPERTY OWNERS





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**July 2006**

*This is an informational pamphlet only. It is not intended to provide any form of legal advice, or to provide a complete statement of the law, on any subject discussed herein.*

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## INTRODUCTION

*This booklet was prepared for you as a person who may be affected by the construction of the Nacimiento Water Project. If you own or have a leasehold interest in property along the planned project route, you may have wondered what will happen. Who will contact you? How much will you be paid for the portion of your property or any easements needed for the project? Who will pay any transfer or escrow fees? How much will you be impacted by construction and later during operation of the facilities?*

*Important questions like these require specific answers. We hope this booklet will answer some of your questions. If after reading this Booklet you have more questions about the property acquisition process, please feel free to discuss them with a right of way associate from Hamner, Jewell & Associates. (Check the back of this booklet for the name of the person to contact.)*

## BACKGROUND

### *What is the Nacimiento Water Project?*

Since 1959, San Luis Obispo County Flood Control & Water Conservation District has held entitlement to 17,500 acre-feet per year of water from Lake Nacimiento. After many years of consideration and study, a pipeline is now planned to deliver most of that water to communities in the County where it is needed. Some water remains at the lake for use by lakeside communities.

Plans are in place to build a 45-mile pipeline to deliver Nacimiento water to Paso Robles, Templeton, Atascadero, and San Luis Obispo, bringing much needed supplemental water to these areas. The route for the pipeline has been studied, the environmental review and financial planning processes completed, and the project is now in the detailed design phase. Construction is slated to start in 2007.

The Nacimiento Water Project ("Project") represents the largest single project ever undertaken by the San Luis Obispo County Flood Control and Water Conservation District. The project will include 45 miles of pipe ranging in diameter from 12-36 inches, three water storage tanks, three pump stations, and a multi-port intake within the lake.

The lead agency for the project is the **San Luis Obispo County Flood Control & Water Conservation District**. Throughout this booklet, this lead agency for the project is referred to as the "District."

The firm of **Hamner, Jewell & Associates**, Government Real Estate Services, has been hired by the District to handle the property acquisition aspects of the Project. You will have personal contact with a representative from Hamner, Jewell & Associates, who will review project plans as they apply to your property and try to answer any further questions you may have.

## NACIMIENTO PROJECT FACTS:

- San Luis Obispo County has 17,500 acre feet per year (AFY) entitlement in Lake Nacimiento.
- 15,750 AFY is to be transported to communities from Paso Robles to San Luis Obispo.
  - City of El Paso de Robles 4,000 AFY
  - City of San Luis Obispo 3,380 AFY
  - Atascadero Mutual Water Co. 2,000 AFY
  - Templeton CSD 250 AFY
  - Reserved for future users 6,120 AFY
- The project consists of 45 miles of pipe ranging from 12" to 36" in diameter, 3 storage tanks, 3 pump stations, and an intake facility.
- Surveying and investigations began in early 2005, with right of way acquisition scheduled to begin in 2006.
- Construction is scheduled to commence in 2007.
- Water deliveries are scheduled to begin in the 2009 to 2011 timeframe, depending on permit conditions.



## **SOME GENERAL QUESTIONS**

### ***How Was the Currently Planned Route of the Project Determined?***

Several route options were studied for the Nacimiento Waterline and complete environmental analysis has been done to identify sensitive habitats, cultural and archeological resources, and endangered plant and animal species along each route. Recommendations of project engineers, surveyors, geologists, and hydrologists have been closely analyzed to identify the best feasible route for the water pipeline, with general consideration to property lines, uses, ownerships, and property owner input. Much of the project is planned within public streets and other public rights of way. However, along some portions of the selected route, the waterline will need to traverse private properties. The final selection of the pipeline route, and the determination to proceed with this Project was made by the District after a thorough review of all of these items, including public hearings to obtain the views of interested citizens.

### ***What Types of Property Interests Will the District Be Seeking To Purchase On Properties Along the Project Route?***

In most cases, the District will seek only easements for subsurface waterlines and related facilities across properties affected by the planned Project.

An easement is a right to use land for a specific purpose. In this Project, the District primarily intends to purchase easements for water pipelines and corresponding operational facilities, together with such necessary rights as the right to access properties for pipeline inspection, maintenance and repair purposes and temporary rights for construction and restoration purposes. In areas where permanent pump stations or tank sites must be located, “fee” purchases will be sought. A fee purchase is a full actual purchase of property, but specifically just that portion of a property needed for the Project.

### ***How Will the District Determine How Much to Offer Me?***

Before making you an offer, the District will obtain an appraisal of your property by a competent real estate appraiser who is familiar with local property values. The appraiser will inspect your property and state his/her professional opinion of the current fair market value of the property rights that the District will seek to acquire for the Project.

The District must offer you “just compensation” for your property. This amount will not be less than the approved appraisal of the fair market value of the property rights the District seeks to acquire. Just compensation means not only “just” to you as the owner or lessee of the property, but also just to the public which must pay the compensation.

### ***Will I Have a Chance to Talk to the Appraiser?***

Yes. You will be contacted and given the opportunity to accompany the appraiser on his or her inspection of your property. You may then inform the appraiser of any special features which you believe may add to the value of your property. It is in your best interest to provide the appraiser with all the useful information you can in order to assure that nothing of allowable value will be overlooked. If you are unable to meet with the appraiser, you may wish to have a person who is familiar with your property represent you.

### ***When Will I Receive a Written Purchase Offer?***

After the appraisal has been prepared, a representative from Hamner, Jewell & Associates will present you with a written purchase offer on behalf of the District. The offer will state the amount of just compensation being offered for the property rights sought, and will include a summary of the basis of the appraisal.

### ***Must I Accept the District's Offer?***

No. You are entitled to present to the District your evidence as to the amount you believe is the fair market value of your property and to make suggestions for changing the terms and conditions of the offer. The District will consider your evidence and suggestions.

### ***May Someone Represent Me During Negotiations?***

Yes, you may have someone else represent you during negotiations. However, the District is not required to pay the costs of such representation.

### ***If I Reach Agreement with the District, How Soon Will I Be Paid?***

When you and the District reach an agreement to sell part of your property or an easement in your property, and your ownership (title to the property) is clear, payment will be made at a mutually acceptable time. Generally, this should be possible within 30 to 60 days after you sign a purchase contract. If the title information obtained by the District indicates that further action is necessary to show that your ownership is clear, you may be able to hasten the payment by helping the District or escrow obtain the necessary proof. (Title evidence is basically a legal record and lists the restrictive deed covenants and recorded mortgages, liens, and other instruments affecting your ownership of the property.)

### ***Will I Have to Pay Any Settlement Costs?***

When you and the District reach an amicable agreement without the need for court involvement, you will only be responsible for the payment of the balance of any mortgage or liens on your property that are released, reconveyed, or partially reconveyed in conjunction with the District's purchase. The District will pay all other reasonable and necessary costs related to the purchase such as:

- Typical services required to complete the sale, recording fees, revenue stamps, transfer taxes, and any similar expenses which are incidental to transferring ownership to the District.
- Penalty costs and other charges related to prepayment of any recorded mortgage on the property that was entered into in good faith.

Whenever possible, the District will make arrangements to pay these costs directly. If you must incur any of these expenses yourself, you will be repaid—usually at the time of settlement. If you later discover other costs for which you should be repaid, you should request repayment from the District immediately. Your acquisition agent can assist you in filing a claim. Finally, if you believe that you were not properly repaid, you may appeal the decision to the District.



***May I Keep Any of the Buildings or Other Improvements on My Property that are Within the Areas that will be Purchased for the Project?***

Often many or all of the improvements on the property to be acquired by the District may be relocated or replaced upon completion of pipeline construction, if they cannot be protected in place during construction.

For any improvements that will not be protected in place or restored by the Project contractor, you will be offered a payment for such items as part of the acquisition offer. If you wish to keep any improvements included in the acquisition offer, please let your acquisition agent know as soon as possible. If you do arrange to keep any improvement, the District may deduct only its salvage value from the price you would otherwise receive if the value of that improvement was included in your purchase offer. (The salvage value of an item is its probable selling price if offered for sale on the condition that the buyer will remove it at his or her own expense.)

***What Happens if the District and I Don't Reach An Agreement?***

The District has not yet received any authority from its Board of Supervisors to use its eminent domain powers to acquire any property along the currently planned route of the Project. If you are unable to reach a voluntary agreement with the District through negotiations, District staff will need to analyze whether the public interest is best served by attempting to modify the Project's route to avoid a specific property. Only after this analysis is completed will the subject of eminent domain be considered by the District's Board of Supervisors. The District does have the legal authority to acquire property for public use through the eminent domain process.

***Is It Possible to Donate Property?***

Yes. You may donate your property or sell it to the District for less than its fair market value. The District must obtain an appraisal of the property and offer just compensation for it, unless you release the District from these obligations.

***Can I Barter a Right to the Water as Compensation?***

No. The Nacimiento Water Commission and the District's Board of Supervisor's have established policy on who can enter into Agreement for a water entitlement.

<b>ADDITIONAL INFORMATION</b>
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This booklet may not answer all of your questions. If you have further questions after reading this booklet, you are invited to address them to Hamner, Jewell & Associates, who may be contacted as follows:

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